

SUBSTITUTE NO. 1 TO ORDINANCE NO. 11-023

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE
REGARDING SPECIFIC BUSINESSES AND ACTIVITIES.**

Rev.#2
#3528

Sponsor:

Council
Member
Ignudo

Co-Sponsors:

Council
Members
M. Brown
Prado

WHEREAS, the City Council has enacted the provisions of Chapter 5 of the City Code setting forth the regulations related to businesses; and

WHEREAS, the City Council deems it necessary and proper to establish additional requirements relating to event promoters to ensure that the promoter business entities are properly licensed and that their activities are conducted in a lawful manner.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 5 of the Wilmington City Code is hereby amended by adding thereto a new section 5-109 to read as follows:

Sec. 5-109. Event Promoters and Promoted Event Permits.

Event Promoter defined.

(a) Event promoter means any person who is directly or indirectly responsible for the promotion of an event as evidenced by activities such as, but not limited to, contracting with the principals, selecting entertainment, advertising or otherwise holding out the event to members of the general public, inviting participants to the event, or renting or controlling the event site, in exchange for direct or indirect receipt of or shares in any admission fee, revenue or compensation derived from the event. The term shall not include the following:

- 1) The City of Wilmington;
- 2) A person who arranges for and/or produces a private event for invited guests where there is no admission charge;
- 3) A venue owner licensed under section 5-93 of this chapter (Entertainment/Recreation), but only to the extent that the licensee personally plans, prepares or executes an event at the venue location in the course of such licensed business; and
- 4) A full-time employee of a venue owner licensed under section 5-93 of this chapter, to the extent that the employee plans, prepares or executes an event at the venue location in the course of such employment.

Event Promoter License.

- (b) No person shall engage in the business of event promoter without obtaining and/or maintaining a valid business license through the department of finance.

Promoted Event Permit.

- (c) A written permit application must be submitted and a permit obtained from the Department of Licenses and Inspections for every promoted event which meets the following criteria:
- 1) the event is promoted by an event promoter as defined by this section; and
 - 2) the promoted event is held in a privately owned place of public assembly with an occupancy limit greater than 50 people, including but not limited to, night clubs, taverns, bars, restaurants, banquet halls and private clubs, and other similar places of assembly. Places of public assembly which have fixed seating only and all patrons attending the promoted event are seated in such fixed seats are excluded from this provision. "Fixed seating" means seats securely fastened to the floor.
- (d) The permit application shall be submitted by the event promoter or the venue licensee. In all instances, however, the venue licensee must sign the permit application at the time of submission. There shall be no charge for a promoted event permit.
- (e) One permit application may be submitted to cover a series of related promoted events if the promoted events are scheduled to take place over a period of 90 consecutive days at the same venue and are promoted by the same event promoter. A permit issued by the Department of Licenses and Inspections for a series of promoted events shall expire within 90 days of its issuance.

Additional Requirements.

- (f) No promoted event for which a promoted event permit is required and for which an event promoter has been hired shall be presented at an establishment except pursuant to a written contract between the owner or operator of the establishment and the event promoter. A copy of the contract shall be kept at the event site for the duration of the event and shall be made available for inspection and copying upon request of any city official responsible for enforcing the provisions of this Code.
- 1) The contract shall include the following information:
- i. The event promoter's business license number;
 - ii. A photocopy or other legible reproduction of the permit required for the event;
 - iii. The legally-authorized maximum occupancy limit of the event site;
 - iv. The complete name and contact telephone number for the event promoter;
 - v. The number of security personnel retained by either the event promoter or the person hiring the event promoter;

- vi. The time, date and length of the event;
 - vii. The name and address of the site where the event is scheduled to occur;
 - viii. A listing of all performers and/or entertainers who will perform during the event; and
 - ix. A general description of the methods that will be used to promote, advertise and market the event.
- (g) Event promoters must designate an on-site representative, at least 21 years of age, to be present for the duration of each event being promoted.

Noncompliance.

- (h) Any event promoter and/or venue licensee who fails to comply with the requirements of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a mandatory fine of \$1,000.00 per promoted event which may not be suspended, and the police department and/or the department of licenses and inspections shall have the power to order the event site vacated immediately. In addition, repeated violations of this section by an event promoter may result in the revocation of the event promoter's business license for up to 1 year.

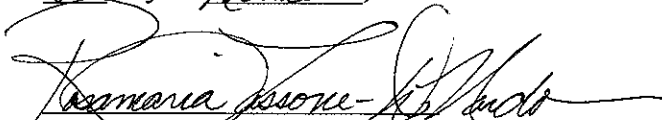
SECTION 3. Effective Date: This Ordinance shall become effective 90 days following the date of passage by the City Council and approval of the Mayor.

First Reading.....June 2, 2011
Second Reading....June 2, 2011
Third Reading...November 15, 2012

Passed by City Council,
November 15, 2012


President of City Council 11/15/12

Approved as to form this
8th day of November, 2012


First Assistant City Solicitor

ATTEST: 
City Clerk

Approved this 19th day of
Nov., 2012


Mayor

SYNOPSIS: This Substitute Ordinance, revision 2, amends Chapter 5 of the City Code relating to businesses to reflect the following revisions: 1) a new subsection excluding from the definition of "event promoter" venue owners licensed under section 5-93 of this chapter (Entertainment/Recreation) and their full time employees who promote events at their venue locations; 2) language requiring a promoted event permits only for those promoted events occurring at privately owned places of public assembly with an occupancy limit greater than 50 and without fixed seating; 3) language allowing either the event promoters or venue licensees to apply for a promoted event permit; 4) a requirement that venue licensees sign all promoted event permit applications; 5) language providing for a single 90 day permit to cover a related series of promoted events occurring at the venue; and 6) language providing for the revocation of an event promoter's business license for up to 1 year upon a showing of repeated violations of the requirements of this section.